



Docket No.: 98-P0151US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY

As below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We are original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

**IMPLANTABLE OR INSERTABLE MEDICAL DEVICE RESISTANT
TO MICROBIAL GROWTH AND BIOFILM FORMATION**

and which is described and claimed:

_____ in the attached application including specification and claims if this line is marked, or

X in the original specification and claims filed
on February 27, 2004 as U.S. Patent Application
Number 10/789,398.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this declaration.

We acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, Section §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

NONE

We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No. 10/071,840, filed February 8, 2002

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint David B. Bonham (34,297), Stuart H. Mayer (35,277), Karin L. Williams (36,721), Michael P. Fortkort (35,141), Mark K. Young (38,666), Heather L. Mansfield (39,157), and Keum J. Park (42,059) whose post office address is: Mayer Fortkort & Williams PC, 251 North Avenue West, 2nd Floor, Westfield, New Jersey 07090, or their duly appointed associate, our attorneys or agents with full powers of substitution and revocation, to prosecute this application, and to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Direct Telephone calls to: David B. Bonham 703-433-0510

Direct all correspondence to the address:

**Mayer Fortkort & Williams PC
251 North Avenue West, 2nd Floor
Westfield, New Jersey 07090**

Customer Number 27774

SIGNATURE PAGE

1. Full name of first joint inventor : Kathleen M. Miller

Inventor's signature : Kathleen M. Miller

Date : 12 April 2004

Residence : 93 Brookdale Circle
Shrewsbury, Massachusetts 01545

Citizenship : USA

Mailing Address : Same as above

2. Full name of second joint inventor: Weenna Bucay-Couto

Inventor's signature : _____

Date : _____

Residence : 5 Nichold Street
Burlington, Massachusetts 01803

Citizenship : USA

Mailing Address : Same as above

3. Full name of third joint inventor: Jianmin Li

Inventor's signature : _____

Date : _____

Residence : 21 Bartlett Avenue
Lexington, Massachusetts 02420

Citizenship : USA

Mailing Address : Same as above